

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:96cr13-1

UNITED STATES OF AMERICA,)

)

)

vs.

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ALVIN LEWIS KINCAID.)

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ORDER

THIS MATTER is before the Court on the Defendant's Motion to Reduce Sentence pursuant to Title 18 U.S.C. §3582(c)(2) Amendment 599 [Doc. 68].

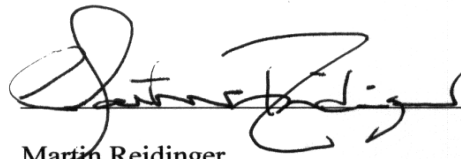
In 1997, the Defendant was sentenced to 120 months for his convictions for bank robbery and assault with a deadly weapon during that bank robbery and to a consecutive term of 60 months for his conviction for using and carrying a firearm during the bank robbery. [Doc. 35]. He did not file a direct appeal and he has never moved pursuant to 28 U.S.C. §2255 to modify his sentence.

In the pending motion, the Defendant seeks a reduction in sentence pursuant to Amendment 599 of the United States Sentencing Guidelines. Due to the age of the case, the Court is unable to access the Defendant's

presentence report. It appears, however, that he may have been sentenced as a career offender. See, United States v. Hickey, 280 F.3d 65 (1st Cir. 2002). As a result, the Court will require response from the Government.

IT IS, THEREFORE, ORDERED that the Government shall file response to the motion on or before thirty (30) days from entry of this Order.

Signed: October 1, 2010


Martin Reidinger
United States District Judge

